

Remarks

Claims 1-6 and 25-26 are pending in the application. Claims 1, 2 and 25 have been amended. Support for these amendments is provided in the original claim language and throughout the specification, as set forth below. No new matter is added by these amendments. In light of these amendments and the following remarks, applicants respectfully request entry of these amendments, reconsideration of this application and allowance of the pending claims to issue.

Withdrawn claims 7 and 17, and those dependent thereon, are all dependent upon claim 1. It is respectfully submitted that these claims should be allowed upon allowance of claim 1.

Withdrawn claim 21 is amended so that it remains commensurate in scope with claim 3 currently under examination. It is respectfully submitted that withdrawn claim 21, and those dependent thereon, should be allowed upon allowance of claim 3.

Objections.

Claims 1, 2, and 25 are objected to under 37 C.F.R. 1.821(d). The Office Action states that SEQ ID NO: is required. Claims 1, 2, and 25 are amended herein and now recite SEQ ID NOs. Thus, the objection is overcome and Applicants respectfully request its withdrawal.

The disclosure stands objected to due to a misspelling . The disclosure has been amended to correct for this inadvertent typographical error, and it is respectfully submitted that this objection may be withdrawn.

Rejection under 35 U.S.C. § 112, first paragraph.

Claims 1-6 and 25-26 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly lacking enablement. Claim 1 is amended herein to recite an antibody that specifically binds to mammalian IgE at an epitope wherein said epitope selected from the group consisting of SEQ ID NO:9, SEQ ID NO: 10 and SEQ ID NO:11. Claim 25 is amended herein to recite a test kit, comprising: (a) a monoclonal antibody that specifically binds to an epitope of a mammalian IgE wherein said epitope is selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, and SEQ ID NO:3; and (b) a monoclonal antibody that specifically binds to an epitope of mammalian IgE wherein said epitope is selected from the group consisting of SEQ ID NO:9, SEQ ID NO:10, and SEQ ID NO:11. Support for these amendments is found throughout the specification and claims as originally filed, for example, page 9, Table 1. No new matter is added by these amendments.

The Office Action states that the application is enabled for a monoclonal antibody that binds specifically to an epitope on canine IgE wherein the epitope consists of the amino acid sequence selected from the group consisting of SEQ ID NO:1 and 9, a monoclonal antibody that binds specifically to an epitope on horse IgE wherein the epitope consists of the amino acid sequence selected from the group consisting of SEQ ID NO:2 and 10, and a monoclonal antibody that binds specifically to an epitope on cat IgE wherein the epitope consists of the amino acid sequence selected from the group consisting of SEQ ID NO:3 and 11. Office Action, page 3. Thus, as amended herein claims 1 and 25 and dependent claims 2-6 and 26 are fully enabled. Accordingly, the rejection of claims 1-6 and 26-25 is overcome and applicants respectfully request its withdrawal.

Rejection under 35 U.S.C. § 112, first paragraph.

Claims 1-6 and 25-26 stand rejected under the first paragraph of 35 U.S.C. § 112 as failing to comply with the written description requirement. Applicants respectfully submit that as amended herein claims 1-6 and 25-26 comply with the written description requirement, and that the specification describes the invention in sufficient detail that a person skilled in the art could conclude that the present inventors had possession of the claimed invention. Accordingly, Applicants respectfully submit that the rejection of claims 1-6 and 25-26 under 35 U.S.C. § 112 has been obviated and therefore request its withdrawal.

Rejection under 35 U.S.C. § 112, second paragraph.

Claims 1-6 and 25-26 stand rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Applicants respectfully submit that as amended herein claims 1 and 26, and dependent claims 2-5 and 26, particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Therefore, Applicants submit that the rejection of claims 1-6 and 25-26 under 35 U.S.C. § 112, paragraph two, is obviated and respectfully request its withdrawal.

Priority.

The Office Action states that the provisional application 60.440472 upon which priority is claimed fails to provide written support for the specific IgE epitope "146-166" or a kit comprising (a) monoclonal antibody that specifically binds to an epitope between amino acid positions "356-

"374" of mammalian IgE and (b) a monoclonal antibody that specifically binds to an epitope between amino acid positions "146-166" of "mammalian IgE" to which the antibody binds in claims 1-6 and 25-26 of the instant application.

As amended herein claim 1 and claim 26 now recite specific SEQ ID NOs for which the provisional application provides written description. The provisional application discloses SEQ ID NO:1 (Figure 1, amino acid positions 367-381), SEQ ID NO:9 (Figure 1, amino acid positions 151-168), SEQ ID NO:3 (Figure 1, amino acid positions 367-381) and part of SEQ ID NO:11 (Figure 1, amino acid positions 153-161). Thus, Applicants respectfully submit that the priority date of the provisional should be maintained for at least as much as the provisional discloses.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Respectfully submitted,



Kenneth D. Sibley
Registration No: 31,665